

## STATUS

The above-captioned patent application is pending.

Claims 1-19 are pending in the application.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 1-3, 5-7, 9, 16 and 18 are rejected under 35 USC 103(a) as being unpatentable over Heublein et al. (U.S. Patent Application No. 2002/0004060), in view of Stinson et al. (U.S. Patent No. 6,340,367).

Claims 11 and 13-14 are rejected under 35 USC 103(a) as being unpatentable over Heublein et al. (U.S. Patent Application No. 2002/0004060), in view of Stinson et al. (U.S. Patent No. 6,340,367).

Claims 12 and 15 are rejected under 35 USC 103(a) as being unpatentable over Heublein et al. (U.S. Patent Application No. 2002/0004060), in view of Stinson et al. (U.S. Patent No. 6,340,367).

Claims 4, 10 and 19 are rejected under 35 USC 103(a) as being unpatentable over Heublein et al. (U.S. Patent Application No. 2002/0004060), in view of Stinson et al. (U.S. Patent No. 6,340,367), as applied to Claim 1, and in further view of Chandrasekaran et al. (U.S. Patent Application No. 2003/0153971).

Claims 8 and 17 are rejected under 35 USC 103(a) as being unpatentable over Heublein et al. (U.S. Patent Application No. 2002/0004060), in view of Stinson et al. (U.S. Patent No. 6,340,367), and in further view of Meyer-Lindenberg et al. (U.S. Patent Application No. 2004/0241036).

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

### **Listing of Claims:**

1. (previously presented) A radiopaque marker for medical implants comprising:
  - a. 10 to 90 weight-percent of a biodegradable base component;
  - b. 10 to 90 weight-percent of one or more radiopaque elements selected from the group consisting of I, Au, Ta, Y, Nb, Mo, Ru, Rh, Ba, La, Ce, Pr, Nd, Sm, Eu, Gd, Tb, Dy, Ho, Er, Tm, Yb, Lu, Hf, Ta, W, Re, Os, Ir, and Bi as a marker component; and,
  - c. less than or equal to 10 weight-percent residual components,the components cited adding up to 100 weight-percent.
2. (previously presented) The marker of Claim 1, wherein the marker is an alloy.
3. (previously presented) The marker of Claim 2, wherein the alloy contains one or more biodegradable elements selected from the group consisting of magnesium, iron, and zinc as the base component.
4. (previously presented) The marker of Claim 1, wherein the marker is a composite having a biodegradable polymer as the base component.
5. (previously presented) The marker of Claim 1, wherein the marker component comprises one or more elements selected from the group consisting of I, Ta, Y, Ce, Nd, Sm, Gd, and Dy.
6. (canceled)
7. (previously presented) The marker of Claim 1, wherein the proportion of the base component in the marker is 30 to 70 weight-percent.

8. (previously presented) The marker of Claim 1, wherein a proportion of the radiopaque elements Y, La, Ce, Pr, Nd, Sm, Eu, Gd, Tb, Dy, Ho, Er, Tm, Yb, Lu and yttrium as components of the marker component is not more than 20 weight-percent in the marker.
9. (previously presented) The marker of Claim 1, wherein the proportion of the residual component in the marker is less than or equal to 5 weight-percent.
10. (previously presented) The marker of Claim 4, wherein the biodegradable polymer of the composite comprises hyaluronic acid, chitosan, and polylactides.
11. (previously presented) A biodegradable implant having a section or coating incorporating a marker, comprising:
  - a. 10 to 90 weight-percent of a biodegradable base component;
  - b. 10 to 90 weight-percent of one or more radiopaque elements selected from the group consisting of I, Au, Ta, Y, Nb, Mo, Ru, Rh, Ba, La, Ce, Pr, Nd, Sm, Eu, Gd, Tb, Dy, Ho, Er, Tm, Yb, Lu, Hf, Ta, W, Re, Os, Ir, and Bi as a marker component; and,
  - c. less than or equal to 10 weight-percent residual components,the components cited adding up to 100 weight-percent.
12. (previously presented) A biodegradable implant having a main body entirely or partially comprising a marker comprising:
  - a. 10 to 90 weight-percent of a biodegradable base component;
  - b. 10 to 90 weight-percent of one or more radiopaque elements selected from the group consisting of I, Au, Ta, Y, Nb, Mo, Ru, Rh, Ba, La, Ce, Pr, Nd, Sm, Eu, Gd, Tb, Dy, Ho, Er, Tm, Yb, Lu, Hf, Ta, W, Re, Os, Ir, and Bi as a marker component; and,
  - c. less than or equal to 10 weight-percent residual components,the components cited adding up to 100 weight-percent.
13. (previously presented) The biodegradable implant of Claim 11, wherein the main body is molded from a biodegradable magnesium alloy.

14. (previously presented) The biodegradable implant of Claim 11, wherein the implant is an endovascular implant, an occluder, an orthopedic implant, or an alloplastic prosthesis.
15. (previously presented) The biodegradable implant of Claim 12, wherein the main body is molded from a biodegradable magnesium alloy.
16. (previously presented) The marker of Claim 1, wherein the proportion of the base component in the marker is 40 to 60 weight-percent.
17. (previously presented) The marker of Claim 1, wherein a proportion of the rare earth elements and of yttrium as components of the marker component is less than or equal to 15 weight-percent, in the marker.
18. (previously presented) The marker of Claim 1, wherein the proportion of the residual component in the marker is less than or equal to 1 weight-percent.
19. (previously presented) The marker of Claim 4, wherein the biodegradable polymer further comprises at least one derivative of the biodegradable polymer.